

01-09-06

1/6/06 cc  
JP

# ReedSmith

Carl H. Pierce  
Direct Phone: 215.241.7970  
Email: cpierce@reedsmit.com



Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
215.851.8100  
Fax 215.851.1420

January 6, 2006

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/726,262  
Filed: December 2, 2003  
For: "CATALYTIC COMBUSTION SURFACES AND METHOD FOR CREATING  
CATALYTIC COMBUSTION SURFACES"  
Attorney Docket No. 01-40147-USC1 (893246.20001)

Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. Amendment and Response to Second Office Action;
2. Petition for a Three-Month Extension of Time;
3. Copy of the Office Action dated July 6, 2005;
4. PTO Form 2038 authorizing credit card payment for \$510.00; and
5. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

The Commissioner is hereby authorized to charge any fees due in connection with this filing to  
Deposit Account No. 18-0586.

Respectfully submitted,

Carl H. Pierce

Registration No. 45,730  
REED SMITH, LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, Pennsylvania 19103-7301  
Tel.: (215) 241-7970  
Fax: (215) 851-1420  
Attorney for Applicant

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV 791165964 US

Date of Deposit: January 6, 2006

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" on the date indicated above and is addressed to MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Laurie A. Drummond

Signature:

LONDON • NEW YORK • LOS ANGELES • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND  
MUNICH • PRINCETON • FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • LEESBURG

reedsmit.com

PHLLIB-871405.1-LADRUMMO 1/6/06 4:56 PM



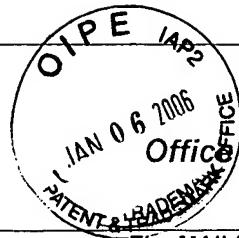
UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
JAN 06 2006  
U.S. PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,262	12/02/2003	Lionel M. Gillston	01-40147-US-C1 (893246.20)	3374
7590	07/06/2005			EXAMINER HUYNH, HAI H
Louis M. Heidgelberger, Esq. Reed Smith LLP 2500 One Liberty Place 1650 Market Street Philadelphia, PA 19103			ART UNIT 3747	PAPER NUMBER
DATE MAILED: 07/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.	10/726,262	
Examiner	Hai H. Huynh	
Art Unit	3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 25 April 2005.  
2a) This action is FINAL. 2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-3 is/are pending in the application.  
4a) Of the above claim(s) 3 is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1 and 2 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 02 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-7-04.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Inventorship*

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoeg (6,173,702).

Hoeg shows a portion of the surfaces which define the combustion volume are coated with a substantially homogenous metallic coating comprising 75% nickel, 18-21% chromium (see col. 1 lines 20-33).

3. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Stong et al (6,562,480).

Stong et al teach the cylinder liner with a coating of nickel and chromium (see col. 1 line 50 through col. 2 line 11).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai H. Huynh whose telephone number is (571) 272-4844. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Hai H. Huynh**  
Primary Examiner  
Art Unit 3747